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**OFFICE OF PETITIONS**

**ON PETITION**

In re Application of  
Anthony M. Pilaro et al  
Application No. 09/483,526  
Filed: January 14, 2000  
Attorney Docket No. 12086

This is a decision on the petition under 37 CFR 1.137(b), filed June 25, 2003, to revive the above-identified application. This is also a decision on the petition under 37 CFR 1.78(a)(3) and under 37 CFR 1.78(a)(6) to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e).

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) is **DISMISSED** as Moot.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed August 15, 2002, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 16, 2002.

As to the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6):

The instant application was filed on January 14, 2000. A petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,300 fee submitted for the petition under 37 CFR 1.78(a)(3) and 1.78(a)(6) is unnecessary and will be credited to Deposit Account No. 13-0019 as authorized.

Any inquiries concerning this decision may be directed to Karen Creasy at (703) 305-8859.

Application No. 09/483,526

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The application is being forwarded to Technology Center Art Unit 3732 for processing of the request for continued examination under 37 CFR 1.114 and consideration of the amendment filed June 25, 2003.

A handwritten signature in cursive script that reads "Frances Hicks".

Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy